

Insys Litigation Documents – Aggressive Sales Culture

Key finding: Insys hired its sales representatives at low base salary rates and tied their compensation heavily to product sales by physicians within their territories. This model incentivized aggressive marketing tactics, whereby representatives were told to "move in" and "live with" their prescribers, and to pressure them to write new prescriptions and at higher doses.

Why this is important: Insys leadership gave little leeway for sales representatives who did not secure completed prescriptions every single business day. The sales culture declared that representatives who did their job well "earned" scripts from their prescribers, while simultaneously holding representatives accountable for prescribers not achieving the numbers Insys expected. Such a culture incentivized sales over education on the risks and proper use of Subsys and discouraged representatives from reporting prescribers with suspiciously high script numbers.

Evidence

Document Title: Playbook_02 - Keys to Success

OIDA ID: <https://www.idl.ucsf.edu/opioids/docs/#id=fhvd0233>

Date: Unknown

Description: This sales manual provides the "keys to success when selling Subsys." The manual includes key messaging, how to differentiate Subsys from other opioids and specifically, other TIRFs (Transmucosal Immediate-Release Fentanyl medicines), guidance for how to "pull-through a prescription," and noting the Guaranteed Access Program (GAP) that provided free Subsys for patients until prior authorization was completed.

Document Title: Subject: IMPORTANT / PLEASE READ

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=plnc0260>

Date: 2012-09

Description: Sunrise Lee, Mid-Atlantic region sales manager, instructs her staff that they "MUST generate at least 1 prescription per day," and that, per Alec Burlakoff, vice president for sales, they "should not go home" until they have accomplished that goal. Lee exhorts her staff to visit their "go to physician" daily, and that if that physician is out of town, to "make sure you have a second 'go to physician' that you can count on (so keep another one very warm)."

Document Title: Subject: RSM-VP-CEO Call Follow Up

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=lqpb0266>

Date: 2012-05

Description: Just a few months after Subsys's launch, this email from Shawn Simon, vice president for sales and managed markets, outlines updated expectations for sales representatives, including making 10 calls per day and visiting their top 15-20 doctors once per week. Regional sales managers are instructed to deploy their "Beat the Competition Check List" to guide their coaching and sales representatives' ability to self-assess.

Document Title: Subject: RE: day off?

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=qsm0262>

Date: 2013-04

Description: Jeff Pearlman, regional sales manager, forwards to his sales team an email from Burlakoff berating the region for poor performance (implying they must all have taken the day off). Pearlman tells his team, "Just like I keep telling you all I got your back, I sure hope you got my back...you are making sure, doing everything humanly possible, NOT LEAVING IT TO CHANCE, I am (we are) not going to be sitting in AZ [the company's headquarters] and hung out to dry because your script counts suck for tomorrow and next week."

Document Title: Subject: what is it going to take?

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=xjig0264>

Date: 2013-05

Description: Burlakoff copies a prescriber report and rebukes the sales team for not achieving the numbers he wants: "We give our blood, heart, and souls to these customers, and we can't even get half the business that I know we have in fact EARNED?...I WANT THE BUSINESS THAT WE HAVE EARNED! I WANT ANSWERS, BECAUSE WE ARE ENTITLED TO HAVE THEM!...One way or the other, this will not continue (that I promise!) the below is an enormous slap in the face that none of us deserve."

Document Title: Subject: RE: what is it going to take?

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=fkgb0264>

Date: 2013-05

Description: Following Burlakoff's email above, Darin Fila, regional sales manager, exhorts Sara Sadraie, sales representative, to "hyper focus" on "Chatman, as he IS your game changer." This is his reply after she has outlined all she already is doing to convince Chatman to write Subsys prescriptions: "I have went as far as to complete opt in forms with pt [patient] names on them and he said 'you have done enough at this time.'"

Document Title: Subject: RE: what is it going to take?

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=lmvv0264>

Date: 2013-05

Description: Also in response to Burlakoff's email above, sales representative Brianna Smith explains to Fila that Dr. Fanto "has laid out a 3 phase plan for converting his practice to Subsys," including transitioning patients from their previous TIRFs to Subsys, addressing challenges with securing payment for Medicare patients, and then identifying more Subsys candidates among his patients. Fila replies, "I understand his algorithm for treating his patients...Do not back down on his desire to work this plan by you holding him accountable, as you have earned that right!"

Document Title: Subject: RE: Promotions

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=zlbv0264>

Date: 2013-08

Description: Sonia Palermo, sales representative and trainer, and Burlakoff sort out wounded feelings over a missed promotion. Palermo says: "I continuously try to make myself stand out within the company which is not easily done here." Burlakoff replies: "I'm not going to lie, I was upset by your email...The faster we can move past this, the better it will be for all of our professional careers in the short and long term!"

Document Title: Subject: Re: Please advise

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=sfdh0263>

Date: 2014-06

Description: Palermo and Susan Gentile-Coffey, a new sales representative and one of Palermo's trainees, trade barbs over incomplete expense reports and making sales calls to the assigned prescribers. Palermo says, "I want to make sure you are successful here. But not at the cost of mine [sic] own job." Gentile-Coffey replies, "I don't have a problem at all with constructive criticism and welcome it, although I do have concerns when the information is not accurate."

Document Title: Subject: FW: Fall-Off Subsys Writers Update / Mid-Atlantic

OIDA ID: <https://idl.ucsf.edu/opioids/docs/#id=nnng0263>

Date: 2012-11

Description: Lee sends Burlakoff a [spreadsheet](#) noting the "fall-off" Subsys writers, with the email providing narrative explanation of why prescribers stopped writing Subsys prescriptions. The spreadsheet includes a column for "# days since last Rx." Reasons for "fall-offs" include a prescriber who was in rehab following an arrest (and losing his license), a prescriber who is eliminating all TIRFs from his practice, patients who weren't happy with the taste of Subsys, and a host of other reasons.

OIDA Identification Numbers for Additional Relevant Documents

- zjpv0264
- fpgy0262
- gnnv0263
- rgkl0257
- qpgk0263
- kzwy0262
- zfl10257
- yqyv0264
- lzdv0264
- khym0257